

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CLAUDIA GARCIA,  
Plaintiff,

v.

ISS FACILITY SERVICES, INC., et al.,  
Defendants.

Case No. [19-cv-07807-RS](#)

**ORDER EXTENDING BRIEFING  
SCHEDULE AND HEARING DATE**

The parties previously stipulated to an extended briefing schedule for plaintiff's motion for class certification, and a hearing date was set for March 24, 2022. Under the stipulated schedule, the deadline for plaintiff to file her motion was January 11, 2022. Asserting that she missed that deadline due to a calendaring error, on January 28, 2022, plaintiff filed a motion to extend all the briefing schedule deadlines and the hearing date by 90 days.<sup>1</sup>

While plaintiff asserts the extension she requests is necessary in light of the status of discovery, she has not made an adequate showing to support a ninety-day continuance. The policy in favor of deciding matters on the merits, however, weighs against precluding plaintiff from

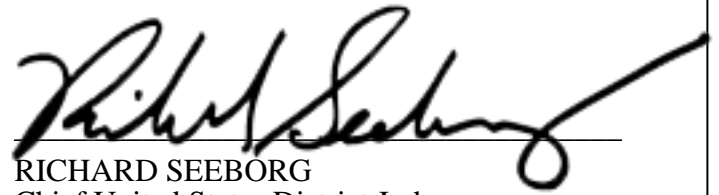
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<sup>1</sup> Although plaintiff correctly invoked Civil Local Rule 6-3 in the body of her motion, she mislabeled it as an "ex parte application," resulting in argument from defendants that no basis for ex parte relief has been shown. An ex parte motion is one "filed without notice to opposing party," Civil Local Rule 7-10, which indeed would not be warranted here. Plaintiff's motion, however, was filed through the ECF system, with automatic notice to defendants, who then then filed opposition within the requisite four days as provided in Rule 6-3. Thus, although mislabeled, plaintiff's motion was not procedurally improper.

going forward merely because she missed the deadline for filing her motion. Accordingly, the dates will be extended as follows: Plaintiff shall file her motion for class certification no later than February 17, 2022. Defendants' opposition will be due on March 17, 2022. Reply will be due on April 7, 2022. The hearing is continued to April 21, 2022.

**IT IS SO ORDERED.**

Dated: February 2, 2022



RICHARD SEEBORG  
Chief United States District Judge

United States District Court  
Northern District of California